

House Bill 132
Testimony of Montana State Library
January 12, 2007

EXHIBIT 8
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#B 132

Mr. Chairman, members of the committee, for the record my name is Darlene Staffeldt, your State Librarian. I'm here today representing Montana State Library to ask for your support of House Bill 132.

The issue before you today is that of ensuring permanent public access to Montana state agency publications, a role of the State Library for the past forty years. Since 1967, the State Library has administered the state depository library program for Montana. In that capacity, we have worked with all state agencies to identify, acquire, catalog, preserve and provide permanent public access to state publications through the State Library and through depository libraries across the state.

Until recently, publications were normally made available to us in print format. With the advent of the Internet, that has changed. Information that state agencies have traditionally provided to the public in printed documents is now made available on-line. While this information is more readily available than ever before, it is also much more likely to be lost over time than ever before. Publishing agencies are necessarily more concerned with keeping their websites current, not with managing state government information for permanent access – which is the job of the State Library. In order to be responsive to the realities of today's publishing environment, the State Library must now be prepared to receive and manage electronic publications.

The statute under which we have provided this service for forty years, MCA 22-1-211 through 22-1-218, needs to be updated because it does not provide us the flexibility necessary to address the wide variety of ways state publications are now made available. This legislation will simplify the handoff of state publications between state agencies and the state library and will improve access to state publications for all users.

Section 1, beginning on page 1, line 16, merely updates a reference to the depository library program description previously found in 22-1-214 and moved to 22-1-211 by this bill.

In Section 2, beginning on page 2, line 10, the definition of state publication is changed to reflect the fact that state agencies now publish information primarily in electronic format, oftentimes with no printed equivalent. The definition of state publications is necessarily broad, which reflects the reality of the rapidly evolving publishing environment wherein publications can no longer be pigeonholed into certain types and formats.

Section 3, beginning on page 2, line 30, updates and simplifies language relating to the State Library's administration of the state publications depository library program, but makes no substantive change in the program.

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Section 4, beginning on page 3, line 11, is important in that it eliminates outdated language requiring handling print copies, thus enabling publishing agencies, the State Library, and depository libraries to take advantage of the efficiencies of working with electronic files.

Section 5, beginning on page 3, line 24, consolidates language relating to coordination between the State Library, depository libraries, and publishing agencies. This section also formalized the relationship between the State Library and the Montana Historical Society, which has responsibility for publications eventually removed from the State Library collection.

Section 6, beginning on page 3, line ³⁰24, adds an exemption for the Montana University System to the exemptions already in place for the Law Library, the code commissioner, and the legislative services division. The State Library is unable to take on the task of acquiring, cataloging, preserving, and providing access to all university system publications and recognizes that the various units of the university system are pursuing solutions for managing their electronic publications.

It is important to note that House Bill 132 does not mandate that agencies change their publication practices. Instead, House Bill 132 supports state agencies' self-initiated rapid transition to digital publishing by updating the legislative framework for state publications preservation and access to give agencies and the State Library the flexibility to evolve as information access technology allows.

Most importantly, this legislation allows Montana State Library to continue to fulfill its long-time mission of preserving and providing permanent access to state publications in a digital age.

At this point I would like to respond to a technical note added by the Department of Administration:

The Department of Administration has raised the question of the application of the definition of state publications to e-Government services and Geographic Information System applications.

It is well understood by the State Library that much government information is now being served to users through e-Government services and various web-based applications that return information to users based on a user query - wherein users complete a form or otherwise provide input to the system and receive a customized response in real-time from databases of information maintained by agencies.

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The State Library agrees that such services and applications do not constitute state publications, and the State Library has no intention of, nor capability of, replicating such applications in the interest of preserving state information.

However, the very nature of these systems often requires that the information contained in the underlying databases be constantly updated, resulting in the loss of access to past versions of the information represented in the database. In these cases, it is desirable to pursue discussions with the agencies that operate such services and applications to investigate the potential for obtaining, on a periodic basis, a snapshot of the information contained in the underlying databases in the form of a state publication suitable for preservation and future access, produced by or authorized by the publishing agency.

Finally, I want to emphasize that Montana State Library staff did not develop this legislation in isolation. Realizing that ensuring public access in a digital age is a significant problem in Montana, as it is nationwide, several agencies who share in the responsibility for state government information formed a "Permanent Public Access Committee" in 2003 to develop these proposed revisions to Montana statute to support better capture and preservation of electronic publications. Committee members included representatives of the State Law Library, State Library, Historical Society, Secretary of State, Office of Public Instruction, Legislative Services Division, the University System, and the Department of Administration, who worked together to draft this legislation to bring up to date the language in the State Library's statutes.

Further, after the bill draft was prepared, we then discussed the draft with the management teams of several additional state agencies to ensure that our efforts would coordinate well with agency procedures and that our proposed statute updates would not cause additional expense to publishing agencies.

We are confident that these coordination efforts paid off and that we now have a bill that can be supported by all state agencies and is deserving of your support.

Thank you for your consideration. I would be happy to take any questions.